

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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T.G., individually and on behalf of her minor child, A.A.,

Plaintiff,

Case No. 1:23-cv-08569(MKV)

v.

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

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DECLARATION OF JUSTIN SHANE

JUSTIN B. SHANE, an attorney licensed to practice in the State of New York and before this Court, affirms under penalty of perjury:

1. I am an attorney admitted to the bars of the State of Delaware (2006) and the State of New York (2010), and to the bars of the United States District Court of the Southern District of New York and the United States District Court of the Eastern District of New York.

2. I make this declaration from personal knowledge, and I submit this declaration in support of Plaintiff's Opposition to Defendant's Partial Motion to Dismiss Plaintiff's Complaint.

3. I began working with The Law Office of Steven Alizio, PLLC ("LOSA") as an Of-Counsel Attorney in 2019. I became a Partner at LOSA in January 2022.

4. In February 2020, Plaintiff retained LOSA to represent her in her efforts to obtain funding from the New York City Department of Education ("DOE") for an independent educational evaluation ("IEE").

5. A hearing regarding Plaintiff's IEE claims was held on October 6, 2020 and, on or about that same day, Plaintiff received a findings of fact and decision ("FOFD") that awarded Plaintiff DOE funding for the requested IEE.

6. Pursuant to the aforementioned FOFD, an IEE was conducted in late 2020 and a comprehensive report regarding the findings and recommendations of the evaluation was completed in January 2021.

7. In February 2021, Plaintiff retained LOSA to represent her in connection with claims—on behalf of her son, A.A.—against the DOE for the 2021-2022 school year and earlier school years.

8. On August 16, 2021, LOSA filed a due process complaint on Plaintiff's behalf against the DOE alleging, *inter alia*, that the DOE denied A.A. a free appropriate public education ("FAPE") for the 2017-2018, 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school years. The DOE's impartial hearing office designated the case associated with the aforementioned complaint, case number 211664.

9. A hearing on the merits in case number 211664 was held on December 14, 2021 before IHO Randy Glasser.

10. On or about January 29, 2022, IHO Randy Glasser issued an FOFD in case number 211664.

11. Plaintiff subsequently retained LOSA to represent Plaintiff regarding implementation issues associated with the FOFD in case number 211664 and, on September 28, 2023, Plaintiff brought the current federal action regarding, *inter alia*, the aforementioned implementation issues.

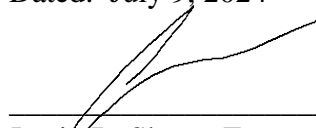
12. Even more recently, Plaintiff has retained LOSA to represent her in connection with claims she and A.A. have against the DOE under the IDEA for the 2022-2023 and 2023-2024 school years.

13. On June 26, 2024, LOSA filed a due process complaint on Plaintiff's behalf against the DOE alleging, *inter alia*, that the DOE denied A.A. a FAPE for the 2022-2023 and 2023-2024 school years.

14. I understand that a true and correct copy of the due process complaint LOSA filed on Plaintiff's behalf on June 26, 2024—with the corresponding cover email—is attached as Exhibit A to this Declaration (though the aforementioned document contains the stamped case number on each page as well as appropriate redactions).

15. The administrative case associated with the June 26, 2024 complaint was assigned case number 275820 and remains pending.

Dated: July 9, 2024



Justin B. Shane, Esq.